

HOUSE BILL 543

A2

11r0495

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Special Culinary School License**

3 **MC 14-11**

4 FOR the purpose of establishing in Montgomery County a special culinary school
5 license; authorizing the Board of License Commissioners to issue the license for
6 use on the premises of certain culinary educational institutions; setting a
7 certain annual fee; authorizing a license holder to allow the consumption of
8 certain alcoholic beverages by certain individuals in connection with certain
9 courses; specifying that an individual may consume alcoholic beverages under
10 the license only on the licensed premises; specifying the hours during which the
11 license holder may conduct certain activities under the license; requiring that a
12 license holder provide food during the hours alcoholic beverages are served;
13 prohibiting a license holder from holding any other alcoholic beverages license;
14 authorizing the Board of License Commissioners to issue up to a certain number
15 of licenses to a single culinary school; providing that certain restrictions on the
16 sale of alcoholic beverages in the vicinity of certain schools, places of worship, or
17 youth centers do not apply to a special culinary school license; defining a certain
18 term; and generally relating to a special culinary school license in Montgomery
19 County.

20 BY adding to

21 Article 2B – Alcoholic Beverages

22 Section 8-216.3 and 9-102(q)

23 Annotated Code of Maryland

24 (2005 Replacement Volume and 2010 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article 2B – Alcoholic Beverages

27 Section 9-102(a)

28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2010 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article 2B – Alcoholic Beverages
4 Section 9–216(a)
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2010 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 2B – Alcoholic Beverages**

10 **8–216.3.**

11 (A) IN THIS SECTION, “BOARD” MEANS THE MONTGOMERY COUNTY
12 BOARD OF LICENSE COMMISSIONERS.

13 (B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

14 (C) THERE IS A SPECIAL CULINARY SCHOOL LICENSE.

15 (D) THE BOARD MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF
16 A PRIVATE CULINARY EDUCATIONAL INSTITUTION THAT:

17 (1) IS ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING
18 ASSOCIATION;

19 (2) IS APPROVED BY THE MARYLAND HIGHER EDUCATION
20 COMMISSION; AND

21 (3) HOLDS A PRIVATE EDUCATIONAL INSTITUTION LICENSE
22 ISSUED BY MONTGOMERY COUNTY.

23 (E) THE ANNUAL LICENSE FEE IS \$400.

24 (F) (1) THE LICENSE AUTHORIZES THE HOLDER TO:

25 (I) IN CONNECTION WITH A WINE TASTING COURSE
26 OFFERED BY THE LICENSE HOLDER, ALLOW THE CONSUMPTION OF WINE BY
27 INDIVIDUALS WHO ARE REGISTERED IN THE WINE TASTING COURSE; AND

28 (II) IN CONNECTION WITH A CULINARY OR CONFECTIONARY
29 COURSE OFFERED BY THE LICENSE HOLDER, ALLOW THE CONSUMPTION OF

1 BEER AND WINE BY INDIVIDUALS WHO ARE REGISTERED IN THE CULINARY OR
2 CONFECTIONARY COURSE.

3 (2) AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY A
4 SPECIAL CULINARY SCHOOL LICENSE ONLY ON THE LICENSED PREMISES.

5 (3) A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES
6 SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DURING THE FOLLOWING
7 HOURS:

8 (I) ON MONDAY THROUGH FRIDAY, FROM 9 A.M. TO 1 A.M.
9 THE FOLLOWING DAY; AND

10 (II) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING
11 DAY.

12 (4) A LICENSE HOLDER SHALL PROVIDE FOOD DURING THE
13 HOURS ALCOHOLIC BEVERAGES ARE SERVED.

14 (G) A LICENSE HOLDER MAY NOT SIMULTANEOUSLY HOLD ANY OTHER
15 LICENSE ISSUED UNDER THIS ARTICLE.

16 9-102.

17 (a) No more than one license provided by this article, except by way of
18 renewal or as otherwise provided in this section, shall be issued in any county or
19 Baltimore City, to any person, or for the use of any partnership, corporation,
20 unincorporated association, or limited liability company, in Baltimore City or any
21 county of the State, and no more than one license shall be issued for the same
22 premises except as provided in §§ 2-201 through 2-208, 2-301, and 6-701 of this
23 article, and nothing herein shall be construed to apply to § 6-201(r)(4), (15), (17), and
24 (18), § 7-101(b) and (c), § 8-202(g)(2)(ii) and (iii), § 8-217(e), § 8-508, § 8-902,
25 § 9-217(b-1), or § 12-202 of this article.

26 (Q) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE
27 MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE UP TO
28 THREE SPECIAL CULINARY SCHOOL LICENSES TO A SINGLE CULINARY SCHOOL
29 FOR SEPARATE LOCATIONS.

30 9-216.

31 (a) (1) The Montgomery County Board of License Commissioners may not
32 issue any license to sell alcoholic beverages within 750 feet of any secondary or
33 elementary school, church or other place of worship, or youth center sponsored or
34 conducted by any governmental agency.

1 (2) Measurement of the required distance shall be made from the
2 nearest point of the building of the proposed establishment for which the license is
3 requested to the nearest point of the building of the school, church or other place of
4 worship, or youth center.

5 (3) The Board of License Commissioners may within its discretion and
6 by unanimous action of the Board approve the application for any license to sell
7 alcoholic beverages more than 300 feet from any elementary or secondary school,
8 church or other place of worship, or youth center sponsored or conducted by any
9 governmental agency provided that the land upon which the building is situated in
10 which the licensee would operate is classified in a commercial or industrial zone under
11 the applicable zoning ordinance and is adjacent or contiguous to other land which is
12 similarly classified under said zoning ordinance.

13 (4) Nothing in this section shall apply to or affect or prohibit, in any
14 manner, the renewal, transfer, or reissuance of a prior license of any license of any
15 establishment where subsequent to the original granting of the license a school,
16 church or other place of worship, or youth center was erected within 750 feet of the
17 establishment.

18 (5) For the purposes of this section, reissuance shall be limited to a
19 new license for the establishment issued within 1 year from the date of expiration or
20 revocation of a prior license provided the revocation did not result from acts of the
21 owner of the establishment.

22 **(6) THIS SUBSECTION DOES NOT APPLY TO A SPECIAL CULINARY**
23 **SCHOOL LICENSE ISSUED UNDER § 8-216.3 OF THIS ARTICLE.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2011.